

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

RODERICK BERNARD LEWIS,

Petitioner,

v.

Case No. 8:20-cv-2255-WFJ-AAS

SECRETARY, DEPARTMENT  
OF CORRECTIONS,

Respondent.

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**ORDER**

Mr. Lewis moves for a certificate of appealability (COA) (Doc. 9) and to proceed on appeal *in forma pauperis* (Doc. 11). A COA is not required to appeal because Mr. Lewis' Section 2254 habeas petition was dismissed as an unauthorized second or successive petition (see Doc. 6). *See Hutto v. Lawrence Cty., Alabama*, 717 F. App'x 960 (11th Cir. 2018) ("A certificate of appealability (COA), typically required for appeals from a final order of a habeas proceeding, is not required for an appeal of an order dismissing a petitioner's filing as a successive habeas petition.") (citing 28 U.S.C. § 2253(c); *Hubbard v. Campbell*, 379 F.3d 1245, 1247 (11th Cir. 2004) (per curiam)). And Mr. Lewis may not proceed on appeal *in forma pauperis* because he has \$2,102.19 in his prison bank account and no dependents (Doc. 11, pp. 2, 5). *See Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir.2004) (an applicant must show he "is unable to pay for the court fees and costs, and to support and

provide necessities for himself and his dependents.”).

Accordingly, Mr. Lewis’ motion for a COA (Doc. 9) and motion to proceed on appeal *in forma pauperis* (Doc. 11) are **DENIED**.

**ORDERED** in Tampa, Florida, on August 4, 2021.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

Copy to: Roderick B. Lewis, *pro se*